

REMARKS

Status of the Claims and Amendment

Claims 1-60 have been canceled herewith without prejudice or disclaimer. Claims 61-77 are newly added, and are all the claims pending in the present application. Claims 1-47, 50-53, and 56-60 are rejected.

Support for new claims 61-69 may be found throughout the specification, for example, at Examples 1 to 5 and Table 1 (Compound Nos. 1-9). Support for new claims 70-77 may be found throughout the specification, for example, at Examples 8 and 9 and Table 3 (Compound Nos. 46-53).

No new matter is added by way of this amendment.

Claim of Priority

Applicants thank the Examiner for acknowledging that the present Application is a 371 National Stage of PCT/JP04/09398, filed June 25, 2004, and claims benefit from Japan 2003-181930, filed June 26, 2003, Japan 2003-373511, filed October 31, 2003, and Japan 2004-128663, filed April 23, 2004.

Withdrawn Objections/Rejections

Applicants thank the Examiner for withdrawing the objections to claims 1-59, as well as the rejection of claims 1-57 under 35 U.S.C. § 112, second paragraph, and the rejection of claims 1-59 under 35 U.S.C. § 112, first paragraph.

Response to Rejection of Claims 18, 47 and 59 Under 35 U.S.C. § 112, 2nd paragraph

Claim 59 remains rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, because the claim has not been modified.

Claims 18 and 47 are rejected, because the phrase “represents a hydrogen atom” is allegedly vague and indefinite. Specifically, the Examiner notes that the claims do not describe the variable for the phrase “represents a hydrogen atom.”

Claims 18, 47, and 59 have been canceled. Accordingly, the rejection is rendered moot.

In addition, new claims 61-77 are not indefinite because the issues related to the rejection of claims 18, 47, and 59 are not present in the pending claims.

Response to Double Patenting Rejections

1. Claims 1-47, 50-53 and 56-60 are rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 1-28 of U.S. Patent No. 7,157,594, for the reasons set forth at pages 4-5 of the present Office Action.

2. Claims 1-47, 50-53 and 56-60 are rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 1-10 of U.S. Patent No. 7,381,746, for the reasons set forth at pages 6-7 of the present Office Action.

Claims 1-47, 50-53 and 56-60 have been canceled. Accordingly, the rejections are rendered moot with respect to claims 1-47, 50-53 and 56-60.

Rejection of Claims 1-4 under 35 U.S.C. § 102(b)

Claims 1-4 remain rejected under 35 U.S.C. 102(b) as being anticipated by Adam et al. (U.S. Patent No. 6,107,342), for the reasons set forth at page 9 of the present Office Action.

Claims 1-4 have been canceled. Accordingly, the rejection is rendered moot with regard to claims 1-4.

In addition, new claims 61-77 are not anticipated by the compounds disclosed in Adam because at least the R¹ and R² groups do not correspond to the claimed compounds.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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